



PUBLIC NOTICE

File Number: NR15MS.001

Pursuant to Chapter 0400-40-07 of the Department's rules, the proposed activity described below has been submitted for approval under an Aquatic Resource Alteration Permit and §401 Water Quality Certification. This notice is intended to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. No decision has been made whether to issue or deny this application.

APPLICANT: Mr. Jason Smith, Owner
Smith Brothers
4850 New Hope Road
Sweetwater, TN 37874

LOCATION: Smith Brothers
Sand and Gravel Mine
Sweetwater, TN
Latitude: 35.662594, Longitude: -84.486780

PROJECT DESCRIPTION/PURPOSE: Smith Brothers has applied for a new Individual Aquatic Resource Alteration Permit (ARAP) for a proposed sand and gravel mine in Loudon County, Tennessee. The site has been previously permitted for barite mining. The proposed activity would include the withdrawal of water from an unnamed tributary to Pond Creek.

The current land use for this site is agricultural. The property is operated as a dairy with a Consolidated Animal Feeding Operation (Permit # SOPCD0013). The agricultural operations currently withdraw water from a spring onsite. The applicant proposes to modify the existing withdrawal for agricultural use to additionally provide a water source for the proposed sand and gravel mining operations. The water source that the applicant identifies as "Smith Spring" is the origin of an unnamed tributary to Pond Creek.

The proposed water withdrawal and the supporting plans are designed to minimize new impacts to jurisdictional waters. The applicant proposes limiting withdrawals to less than 10 percent of the daily flow. The applicant proposes to measure flow with a gauge at an existing 36-inch diameter culvert. The ARAP application provides an estimate of the 7Q10 flow between 0.68 and 1.77 Cubic Feet per Second (CFS).

DEGRADATION: In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the Division has determined that the proposed activities will not result in degradation to water quality.

WATERSHED/WATERBODY DESCRIPTION: Pond Creek is in the Tennessee River Basin -Watts Bar Reservoir watershed (HUC 06010201). Pond Creek is not classified as Exceptional Tennessee Waters (ETW). There is an EPA approved TMDL for Pathogens and an approved TMDL for Siltation and Habitat Alteration in the affected watershed.

Stream Name/ID #: Pond Creek TN06010201013_1000

Impacts: Water withdrawal

Ecoregion: Southern Limestone/Dolomite Valleys and Low Rolling Hills, ecoregion 67F

Designated Use

fish and aquatic life

recreation

industrial water supply

irrigation

livestock watering & wildlife

Use Support

Not meeting

Causes

E. coli

PERMIT COORDINATOR: Dan Murray

FACTORS CONSIDERED: In deciding whether to issue or deny a permit, the Division will consider all comments of record and the requirements of applicable federal and state laws. In making this decision, a determination will be made regarding the lost value of the resource compared to the value of any proposed mitigation. The Division shall consider practicable alternatives to the alteration. The Division shall also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.

COMMENTING: Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced. Send all written comments to the Division's address listed below and to the attention of the permit coordinator.

PUBLIC HEARING: Interested persons may request in writing that the Division hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, the reasons that a hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the Division will hold a public hearing. Send all public hearing requests to the Division's address listed below and to the attention of the permit coordinator.

APPEAL: Please be advised that a petition for permit appeal may be filed, pursuant to *T.C.A. Section 69-3-105, subsection (i)* and Rule 0400-40-05, by the permit applicant or by any aggrieved person who participated in the public comment period announced by this notice. This petition must be filed within THIRTY (30) DAYS after public notice of the issuance of the permit. The petition must specify what provisions are being appealed and the basis for the appeal. It should be addressed to the technical secretary of the Tennessee Board of Water

Quality, Oil and Gas. A copy of the filing should also be sent to TDEC's Office of General Counsel. The mailing addresses follow:

Tisha Calabrese Benton
Acting Technical Secretary
Board of Water Quality, Oil and Gas
William R. Snodgrass TN Tower
312 Rosa L. Parks Avenue, 12th Floor
Nashville, TN 37243-1102

Mr. E. Joseph Sanders, Chief Counsel
Office of General Counsel
William R. Snodgrass TN Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, TN 37243-1102

Any hearing would be in accordance with T.C.A. §§69-3-110 and 4-5-301 et seq.

FILE REVIEW: Copies of the permit application, supporting documentation including detailed plans and maps are available online on the *Water Resources Permit Data Viewer* available at <http://tn.gov/environment/article/tdec-dataviewers>. The permit application, supporting documentation including detailed plans and maps, and related comments are also available at the Division's address (listed below) for review and/or copying.

Kara Blevins (865-594-5460)
Tennessee Department of Environment & Conservation
Division of Water Resources
Mining Section
3711 Middlebrook Pike
Knoxville, TN 37921-6538





